

REMARKS

This amendment is intended as a full and complete response to the non-final Office Action mailed January 20, 2004. In the Office Action, the Examiner notes that claims 1, 2 and 4-8 are pending, of which claims 1 and 2 are rejected and claims 4-8 are objected to. By this amendment claim 1 is amended and claim 2 is cancelled.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of pending claims are in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Statement of Common Ownership

The following statement is intended to fulfill the requirements of M.P.E.P 706(l)(2) to establish common ownership of the subject invention and a reference that is cited against the subject application.

The subject application and the subject matter of the cited reference U.S. Patent No. 6,415,437 to Ludvig et al. were, at the time the subject invention was made, owned by or were subject to an obligation of assignment to, the same entity.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)**Claim 1**

The Examiner has rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Ludvig et al. U.S. Patent No. 6,415,437 ("Ludvig") in further view of Wasilewski (U.S5,420,866). Applicants respectfully traverse the rejection of claim 1.

As provided above, the subject matter of Ludvig and the claimed invention were commonly owned at the time the invention was made. On information and belief Ludvig is prior art to the subject invention only under 35 USC 102(e). Consequently, 35 USC 103(c) prevents the use of Ludvig to bar patenting of the subject invention.

Furthermore, Wasilewski does not disclose an interactive program guide, or a plurality of transport streams, each having an elementary stream that represents a respective interactive program guide page, or an IPG page having a respective guide portion and a common video portion, and thus consequently, Wasilewski cannot disclose grouping such elementary streams together into a transport stream.

As Ludvig cannot be used as a reference against the subject invention, and as Wasilewski does not suggest an interactive program guide, independent claim 1 is allowable. Therefore, the Applicants respectfully request that the 35 U.S.C. §103 rejection of claim 1 be withdrawn.

Claim 1 is above amended to remove a paragraph break that was formally on line 3. The amendment of claim 1 mates the wherein introduction with its recitation.

Allowable Subject Matter

The Examiner objected to claims 4-8 as being dependent upon a rejected base claim (claim 1). The Examiner concludes that those claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Applicants thank the Examiner for indicating allowable subject matter with respect to claims 4-8. However, in view of the arguments set forth herein, the Applicants believe that base claim 1 is allowable and, as such, dependent claims 4-8 (which depend directly or indirectly on independent claim 1), are allowable. Therefore, the Applicants respectfully request that the objection to claims 4-8 be withdrawn.

Rejection under 35 U.S.C. §102

The Examiner rejected claim 2 under 35 U.S.C. 102(e) as being anticipated by Mori et al. (U.S. Patent 6,191,782). Applicants have cancelled claim 2.

CONCLUSION

Thus, the Applicants submit that none of the claims presently in the application, is anticipated or obvious under the respective provisions of 35 U.S.C. §102 or §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or John M. Kelly at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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